

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652

Case No. 20-20187

vs.

HON. GEORGE CARAM STEEH

BILLY ARNOLD, D-1,

Defendant.

_____ /

OPINION AND ORDER DENYING DEFENDANT'S
MOTION TO CONTINUE TRIAL DATE (ECF Nos. 1808 and 20)

This matter is before the court on defendant's motion to continue trial for 90 days. Defendant's counsel states that they need more time to prepare for trial given the large number of witnesses identified by the government, as well as substantial additional discovery that was recently produced. For the reasons stated on the record, as well as in this opinion and order, defendant's motion to continue trial date is denied.

The government produced its final witness list to the defense on September 6, 2022, as required under the Ninth Stipulated Amended Scheduling order. That list identifies 277 witnesses, divided into two groups. The first group includes 166 witnesses, and the second group

consists of 111 witnesses that will only be called if a witness the government intends to call is unavailable. Government counsel advised defense counsel that by September 16, 2022, it would further narrow the witness list to witnesses it intends on calling at trial (estimated to be approximately 100-110 witnesses), specifically identify possible “swap-out” witnesses, and organize the witnesses in the general order that they will be called. In addition, on each Friday during trial, government counsel will provide a list of witnesses that it intends on calling the following week.

Many of the witnesses on the government’s witness list previously testified at trial on the same subject matter as the current anticipated testimony. Thus, counsel for defendant have transcripts of prior testimony of over half of the government’s witnesses. In addition, the trial schedule of half days was designed to give counsel the opportunity to prepare in the afternoons. Finally, trial will commence Monday October 3, 2022, giving counsel a short break after the conclusion of voir dire for further preparations. The Court concludes that even given the enormous amount of discovery in this case, the circumstances are such that a continuous is not required.

Now, therefore,

IT IS HEREBY ORDERED that defendant's motion to continue trial
(ECF Nos. 1808 and 20) is DENIED.

So ordered.

Dated: September 13, 2022

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE